

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

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|---------------------------------|---|---|
| MALIBU MEDIA, LLC, |) | |
| Plaintiff, |) | Civil Action No. <u>3:13-cv-00205-SLC</u> |
| v. |) | |
| JOHN DOE subscriber assigned IP |) | |
| address 24.183.51.58, |) | |
| Defendant. |) | |
| |) | |
| MALIBU MEDIA, LLC, |) | |
| Plaintiff, |) | Civil Action No. <u>3:13-cv-00207-SLC</u> |
| v. |) | |
| JOHN DOE subscriber assigned IP |) | |
| address 71.13.250.95, |) | |
| Defendant. |) | |
| |) | |
| MALIBU MEDIA, LLC, |) | |
| Plaintiff, |) | Civil Action No. <u>3:13-cv-00208-bbc</u> |
| v. |) | |
| JOHN DOE subscriber assigned IP |) | |
| address 71.87.100.125, |) | |
| Defendant. |) | |
| |) | |
| MALIBU MEDIA, LLC, |) | |
| Plaintiff, |) | Civil Action No. <u>3:13-cv-00209-SLC</u> |
| v. |) | |
| JOHN DOE subscriber assigned IP |) | |
| address 98.125.121.178, |) | |
| Defendant. |) | |
| |) | |
| MALIBU MEDIA, LLC, |) | |
| Plaintiff, |) | Civil Action No. <u>3:13-cv-00315-wmc</u> |
| v. |) | |
| JOHN DOE subscriber assigned IP |) | |
| address 24.177.123.74, |) | |
| Defendant. |) | |
| |) | |
| MALIBU MEDIA, LLC, |) | |
| Plaintiff, |) | Civil Action No. <u>3:13-cv-00317-slc</u> |
| v. |) | |
| JOHN DOE subscriber assigned IP |) | |
| address 24.183.92.115, |) | |
| Defendant. |) | |
| |) | |

| | | |
|---------------------------------|---|---|
| MALIBU MEDIA, LLC, |) | |
| Plaintiff, |) | Civil Action No. <u>3:13-cv-00318-bbc</u> |
| v. |) | |
| JOHN DOE subscriber assigned IP |) | |
| address 24.196.90.111, |) | |
| Defendant. |) | |
| _____ |) | |
| MALIBU MEDIA, LLC, |) | |
| Plaintiff, |) | Civil Action No. <u>3:13-cv-00319-slc</u> |
| v. |) | |
| JOHN DOE subscriber assigned IP |) | |
| address 66.168.17.59, |) | |
| Defendant. |) | |
| _____ |) | |
| MALIBU MEDIA, LLC, |) | |
| Plaintiff, |) | Civil Action No. <u>3:13-cv-00320-slc</u> |
| v. |) | |
| JOHN DOE subscriber assigned IP |) | |
| address 71.10.117.251, |) | |
| Defendant. |) | |
| _____ |) | |
| MALIBU MEDIA, LLC, |) | |
| Plaintiff, |) | Civil Action No. <u>3:13-cv-00321-bbc</u> |
| v. |) | |
| JOHN DOE subscriber assigned IP |) | |
| address 71.90.19.244, |) | |
| Defendant. |) | |
| _____ |) | |
| MALIBU MEDIA, LLC, |) | |
| Plaintiff, |) | Civil Action No. <u>3:13-cv-00322-wmc</u> |
| v. |) | |
| JOHN DOE subscriber assigned IP |) | |
| address 97.86.116.18, |) | |
| Defendant. |) | |
| _____ |) | |

**PLAINTIFF’S MOTION TO FILE ITS RESPONSE TO THE COURT’S
SHOW CAUSE ORDER UNDER SEAL**

Plaintiff, Malibu Media, LLC (“Plaintiff”), moves for entry of an order to file portions of its Response to the Court’s Show Cause Order (“Response”) under seal and states:

1. On May 28, 2013, this Court entered an order sealing the Complaint in this case, staying all matters, and requiring Plaintiff to Show Cause why attaching Exhibit C to the Complaint does not violate Rule 11(b) [CM/ECF 6].

2. Pursuant to Administrative Order #311 of the Western District of Wisconsin, Plaintiff is filing this motion contemporaneously with its Response.

3. Plaintiff's response to the Court's Show Cause Order contains information pertaining to Plaintiff's confidential attorney work product, settlement communications, and settlement agreements.

4. While Plaintiff welcomes the opportunity to explain to the Court its purpose for attaching Exhibit C to its Complaint, several examples of its recent use discuss mental impressions and strategy Plaintiff's counsel is currently using or will use to litigate its case. "At its core, the work-product doctrine shelters the mental processes of the attorney, providing a privileged area within which he can analyze and prepare his client's case." *Id.* "The work product privilege developed to protect the work of an attorney from encroachment by opposing counsel." *Allendale Mut. Ins. Co. v. Bull Data Sys., Inc.*, 145 F.R.D. 84, 86 (N.D. Ill. 1992).

5. Other cases involve settlement negotiations or cases that have recently settled where counsel has agreed to confidentiality agreements. "Because confidentiality of settlement agreements is a primary inducement to parties to settle cases, courts require a strong countervailing interest to breach that confidentiality." *Centillion Data Sys., Inc. v. Ameritech Corp.*, 193 F.R.D. 550, 553 (S.D. Ind. 1999).

6. Plaintiff's examples are specific and each defendant will easily recognize his or her case.

7. Additionally, the Exhibit C that was called into question in the Court's Order to Show Cause contains new infringements since Plaintiff filed its Complaint. Plaintiff's Response contains as an exhibit an updated version of the Exhibit C. Further, Plaintiff's Response discusses the Exhibit C and for the Court's reference, refers to the case which it is from. In order

to conform with the Court's Show Cause Order, it is necessary to file this information under seal as well.

8. Good cause exists to grant this motion.

WHEREFORE, Plaintiff respectfully requests that the Court permit Plaintiff to file portions of its response under seal. A proposed order is attached for the Court's convenience.

Dated: June 26, 2013

Respectfully submitted,

SCHULZ LAW, P.C.

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Email: schulzlaw@me.com
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2013, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Mary K. Schulz